

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT SEP 26 PM 4: 59
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION
DEPUTY CLERK *AC*

FRED GONZALES,

Petitioner,

v.

RICK THALER, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

§
§
§
§
§
§
§
§
§
§

2:09-CV-0206

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
GRANTING RESPONDENT'S MOTION TO DISMISS,
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS


Petitioner has filed with this Court an application for a writ of habeas corpus by a person in state custody. On September 9, 2011, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that respondent's motion to dismiss petitioner's habeas application as time barred be granted on alternative grounds, and that petitioner's habeas application be dismissed. Respondent filed objections to the Report and Recommendation on September 23, 2011. As of this date, petitioner has not filed objections to the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case and has considered the objections made by respondent to the Report and Recommendation. The objections filed by respondent are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the motion

to dismiss filed by respondent is GRANTED on the grounds set out in the Report and Recommendation, and the petition for a writ of habeas corpus filed by petitioner is DISMISSED.

IT IS SO ORDERED.

ENTERED this 26th day of September 2011.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE